



## **BOARD OF ADJUSTMENT APPLICATION**

### **DEFINITION:**

The (Zoning) Board of Adjustment "the Board" is a public, quasi-judicial body of appointed officials and designated alternates empowered to hear and act on requests for:

- Appeal - procedure whereby a decision is questioned to a higher authority than the administrator or body which made the original decision;
- Special Exception - procedure for approving the specific location of designated uses that are allowed in certain districts, but that require specific screening and supervision to minimize adverse neighborhood impacts; **OR**
- Variance - procedure for modification of the literal provisions of a zoning ordinance, granted when strict enforcement of the ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

### **PURPOSE:**

To afford individual(s) an opportunity to request Board of Adjustment consideration for either an appeal; special exception; or variance.

### **SUBMITTAL REQUIREMENTS:**

A complete Development Package (DP) shall be submitted to the Community Development Department and a public hearing shall be called by the Chairman of the Board. The hearing may not be held earlier than 21 days after initial submittal.

**Technical Review of this application is dependent upon the accuracy of information provided. Any inaccurate or inadequate information provided by you or your agent may delay the proper review of your project and/or cause the return of this application.**

The DP consists of:

- Five copies of completed application with notarized signature (one request per application), mailing list does not need to be copied five times;
- Fee of \$150 for public hearing; Engineering Fees, per Fee Schedule A15.000
- Five copies of necessary plans detailing location of proposed or existing structures, easements, setbacks, building dimensions, etc.;
- One 8 1/2" x 11" reduced and readable print of the site plan;
- Five copies of the Statement of Purpose, from applicant, detailing their request;
- Certified mailing list with corresponding self-addressed mailing labels for property owners within 200 feet of the subject site; **AND**
- Digital (pdf) copy of application.

### **APPROVAL PROCESS:**

- Interdepartmental staff review provided to applicant (a maximum of five working days);
- Resolution of all review comments by applicant and resubmittal of DP no later than 10:00 a.m. on Monday of the week preceding the Board meeting (if you are required to amend and resubmit initial plans, resubmittal of five (5) sets of plans and five (5) sets of supporting documentation are required for subsequent review by officials);
- Notice of public hearing mailed to adjacent property owners within 200 feet of the subject site and published in the official city newspaper a minimum of 10 days prior to the scheduled meeting; **AND**
- Board review of case information and public hearing held; motion considered.

### **TIME LIMIT:**

Any Special Exception or Variance authorized by the Board shall constitute authority to authorize the issuance of a special permit or a Certificate of Occupancy, as the case may be, if applied for within 180 days from the date of favorable action.

If the special permit or Certificate of Occupancy are not applied for within 180 days, then the grant of the Special Exception or Variance terminates.

No application before the Board will be allowed on the same piece of property prior to the expiration of six (6) months from the Board's ruling (unless other property within 500 feet has been altered or changed).

### **APPEALS FROM THE BOARD:**

Any person(s), jointly or severally aggrieved by any decision of the Board, may present to a court of record a petition for a writ of certiorari, as provided by V.A.C.S. Article 1011g, duly verified setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court **within ten (10) days** after the filing of the decision of the Board in the Office of the City Secretary.

Copies of the Zoning ordinance may be obtained from the  
Community Development Department of Leon Valley City Hall, or online at  
<http://z2codes.franklinlegal.net/franklin/Z2Browser2.html?showset=leonvalleyset>

|   |          |         |
|---|----------|---------|
| NAME OF APPLICANT:  |          |         |
| ADDRESS:  |          |         |
| PHONE NO: HOME ( )  | WORK ( ) | FAX ( ) |
| EMAIL ADDRESS:  |          |         |
| STATUS: OWNER ( ) AGENT ( ) - If agent, attach notarized Letter of Authorization. |          |         |

### PROPERTY DESCRIPTION

|  |
|--|
| Name of Project:   |
| ADDRESS:   |
| LEGAL DESCRIPTION:   |
| EXISTING PROPERTY USE or STATE NONE:                                     |
| PROPOSED USE & DESCRIPTION:  |
| ACREAGE AND/OR SQUARE FOOTAGE:   |
| DOES OWNER OWN ADJACENT PROPERTY: YES ( ) NO ( )                         |
| REQUESTED BOARD ACTION:<br>Appeal ( ) Special Exception ( ) Variance ( ) |

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND THE ATTACHED INSTRUCTION SHEET AND KNOW THE INFORMATION I HAVE PROVIDED TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS APPLICATION WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF AN APPEAL, SPECIAL EXCEPTION OR VARIANCE DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING THE USE OF THE PROPERTY.

**STATE OF \_\_\_\_\_**  
**COUNTY OF \_\_\_\_\_**

SIGNATURE OF APPLICANT and DATE  
 (Owner or Authorized Agent)

**BEFORE ME**, A Notary Public in and for \_\_\_\_\_, on this date personally appeared \_\_\_\_\_ (Applicant) who duly states that all facts in this application are true to the best of his knowledge.

**SWORN TO** and **SUBSCRIBED** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
 NOTARY PUBLIC

My Commission

expires: \_\_\_\_\_

**MAILING LIST OF PROPERTY OWNERS WITHIN 200-FEET TO BE NOTIFIED**

Part I. Please print/type names and addresses of the applicant, representative, property owners, and all owners of all property within 200 feet of the subject site listed with Bexar County Appraisal Rolls (as indicated on the map you are providing).

Go to [www.bcad.org](http://www.bcad.org) PROPERTY SEARCH

Enter the 12-digit Property Code/Tax ID/address and click Search

Enter the name(s) and address of the property owner(s) to place in the notification tables found on pages 5 and 6 of this application

Part II. Provide the City with corresponding pre-addressed adhesive mailing labels of property owners listed below.

NOTE: If a property owner holds more than one lot (same mailing address for different lots), make only one mailing label for that property owner and write "Same Owner as #\_\_\_\_" on the attached mailing list.

| Part III.                  | APPLICANT | REPRESENTATIVE | PROPERTY OWNER |
|----------------------------|-----------|----------------|----------------|
| NAME                       |           |                |                |
| ADDRESS<br>CITY/ STATE/ZIP |           |                |                |
| TELEPHONE #                |           |                |                |
| OTHER TELEPHONE #          |           |                |                |

Part IV.

I certify that the names, addresses and zip codes listed in the following pages are those listed on the current Bexar County Tax Roll.

Signed: \_\_\_\_\_  
Owner/Agent

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_ of 20\_\_\_\_.

\_\_\_\_\_  
Notary Public and for the State of Texas

Appointment Expires: \_\_\_\_\_.

BOA Case # \_\_\_\_\_

Date: \_\_\_\_\_

|  | PROPERTY OWNERS' NAMES AND<br>FULL ADDRESSES | LOT | BLK | CB<br>(NCB) | ACREAGE / &<br>PROPERTY<br>DESCRIPTION &<br>TAX ID NO. |
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